IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO. 3909 OF 2006

Gangaram Kushaba Gonde & ors .. Applicants

versus

The State of Maharashtra & ors .. Respondents

Mr.Sandip Shinde, Adv.i/b Mr.K.R.Jagdale for Appli.

Mr.V.B.Kondedeshmukh for Respondents

CORAM: SMT.ROSHAN DALVI, JJ

(Vacation Judge)

DATED : 2nd November, 2006

P.C.

1. The accused are police constables. An FIR against them is inter alia under section 306 of IPC. The person who has expired has undoubtedly been in police custody. However, the FIR as well as the statement of another witness one Mr.Madne

shows that the accused had left that person in the custody of another constable to search for the associate of that person who was charged with theft of mobile phones. Post mortem report is obtained. The investigation is near completion. The investigation is carried out by State CID. The accused being constables are on duty and not likely to abscond.

2. The accused shall report to the Investigating Officer as and when called. The accused shall not leave the jurisdiction of this Court without the prior written permission of the Investigating Officer. If required to be arrested, the accused shall be given 48 hours notice.

(Smt R.S.Dalvi, J)

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